

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN
CALIFORNIA EDISON COMPANY (U 338-E)
Regarding the Future Disposition of the Mohave
Generating Station.

Application 02-05-046

**ADMINISTRATIVE LAW JUDGE'S RULING
ON (1) SOUTHERN CALIFORNIA EDISON COMPANY'S MOTION FOR
CLARIFICATION OF SCOPING MEMO SUMMARY AND
(2) THE UTILITY REFORM NETWORK'S MOTION FOR MODIFICATION AND
CLARIFICATION OF SCOPING MEMO**

Summary

This Administrative Law Judge's (ALJ) Ruling grants (1) the motion of The Utility Reform Network (TURN) to modify the procedural schedule to allow an additional four weeks for submission of intervenor testimony, making the testimony due March 28, 2003, and (2) the motion of Southern California Edison Company (Edison) to allow for the submission of concurrent rebuttal testimony, due April 25, 2003. Edison's request for further clarification is denied, without prejudice. Motions by TURN and Edison to Shorten Time are denied as moot.

Background

On January 7, 2003, Commissioner Lynch, the Assigned Commissioner to this Application, issued a Scoping Memo setting forth an initial procedural schedule and describing Edison's Application in the "Background" section of the Memo. The procedural schedule directed Edison to file Testimony on

January 30, 2003, and Intervenors to file Testimony on February 27, 2003. There was no provision for the filing of Rebuttal Testimony.

On January 21, 2003, Edison filed a Motion for Clarification requesting that the Commission modify the procedural schedule to allow all parties the opportunity to submit rebuttal testimony two weeks after Intervenor testimony was filed, and to correct a statement concerning the estimated costs Edison requested for air pollution control equipment at the Mohave Generating Station (Mohave).

Peabody Western Coal Company (Peabody), the Hopi Tribe, and TURN filed responses to Edison's Motion for Clarification. All responding parties supported Edison's motion, but requested that the parties have four weeks, to file the rebuttal testimony.

Before the ALJ ruled on Edison's motion, on February 7, 2003, TURN filed a Motion for Clarification requesting that the procedural schedule be modified to allow the intervenors additional time to submit their testimony. ORA responded to TURN's motion agreeing with TURN that additional time is needed for the intervenors to prepare meaningful testimony.

Discussion

TURN's request for additional time for the preparation of testimony for the intervenors is reasonable, especially in light of the fact that there is no hearing schedule established for this proceeding. Edison's request for the opportunity for all parties to file rebuttal testimony is practical and will further expand the record for the Commission's review. Both requests are granted.

Edison also requested modification of a statement in the Scoping Memo regarding the estimated cost of certain air pollution control equipment for Mohave. No modification is necessary at this time as the Scoping Memo is not

evidence in this proceeding and Edison will have ample opportunity to advance the correct figures in its testimony and rebuttal testimony.

IT IS RULED that:

1. The Utility Reform Network's (TURN) motion for modification of the procedural schedule to allow for an additional four weeks for the submission of intervenor testimony is granted, and intervenor testimony is due March 28, 2003.
2. Southern California Edison Company's (Edison) motion for modification of the procedural schedule to allow for the submission of concurrent rebuttal testimony is granted, and the rebuttal testimony is due April 25, 2003.
3. TURN and Edison's motions for orders shortening time are denied.
4. Edison's motion for modification of estimated costs as set forth in the Scoping Memo is denied, without prejudice.

Dated February 21, 2003, at San Francisco, California.

/s/ CAROL BROWN

Carol Brown
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on (1) Southern California Edison Company's Motion for Clarification of Scoping Memo Summary and (2) The Utility Reform Network's Motion for Modification and Clarification of Scoping Memo on all parties of record in this proceeding or their attorneys of record. In addition, service was also performed by electronic mail.

Dated February 21, 2003, at San Francisco, California.

/s/ FANNIE SID
Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.